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In Reply Refer To:
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AUG 16 2013

Mr. Mark Slovick
County of San Diego
Planning and Development Services
9150 Chesapeake Drive, Suite 200
San Diego, California 92123

Subject: Draft Environmental Impact Report for the Lilac Hills Ranch Master Planned Community Project [PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), PDS2012-3600-12-003 (REZ), PDS2012-3100-5571 (TM), PDS2012-3100-5572 (TM), PDS2012-3300-12-005 (MUP), PDS2012-3500-12-017 (STP), PDS2012-3500-12-018 (STP), LOG NO. 3910 12-02-003 (ER)], San Diego County, California (SCH# 2012061100)

Dear Mr. Slovick:

The Department of Fish and Wildlife (Department) and the U.S. Fish and Wildlife Service (Service), collectively referred to as the Wildlife Agencies, have reviewed the Lilac Hills Ranch Project Draft Environmental Impact Report (draft EIR). The comments provided in this letter are based on information provided in the draft EIR and associated documents [including the Biological Resources Report (dated May 23, 2013) prepared by RECON and addendum (dated June 5, 2013)], our knowledge of sensitive and declining vegetation communities in the County of San Diego (County), and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of the Act.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code §2050 *et seq.*) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program (DFG Code Section 2800, *et seq.*).

The County of San Diego (County) has signed a Planning Agreement with the Wildlife Agencies for the development of the draft North County Multiple Species Conservation Program Subregional Plan

(NCMSCP), an NCCP/HCP currently in development for lands in north San Diego County. The proposed project is located within the boundaries of the draft NCMSCP; specifically, within the Moosa Canyon planning unit (Unit 22).

The Lilac Hills Ranch project is located south and west of West Lilac Road, approximately 0.5 mile north of Circle R Drive, within the Bonsall and Valley Center Community Plan areas within the unincorporated area of the County. The proposed project is a master planned community encompassing 608 acres and would consist of: 1,746 residences; 90,000 square feet of commercial, office, and retail space; a hotel; assisted living facility; civic facilities that include public and private parks, a private recreational facility, and other recreational amenities; a fire station or a remodel of an existing fire station (Miller Station); and a school. Also planned within the project site are a recycling facility, a water reclamation facility, and other supporting infrastructure. The project would dedicate approximately 103 acres of permanent open space and would have phased impacts and mitigation.

Our review of the habitat evaluation maps of the draft NCMSCP indicates that habitats on and adjacent to the project site are mostly agriculture and “low” habitat quality, with small areas of “moderate” habitat quality. The entire project site is located outside of the Pre-Approved Mitigation Area (PAMA) identified in the draft NCMSCP.

We offer the following recommendations and comments to assist the County in minimizing and mitigating project impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts:

1. The proposed project will impact approximately 20 acres of coastal sage scrub (CSS), as well as other sensitive habitats. The draft EIR indicates that approximately 70 acres of offsite mitigation would be required to offset impacts to the CSS and other sensitive habitats, although no specific site has been identified. We recommend that all impacts to sensitive habitats be mitigated within the PAMA identified by the draft NCMSCP. In addition, as described in the Biological Resources Report, the County will need to issue a habitat loss permit (HLP) for the project for impacts to CSS. For projects requiring HLPs, we recommend that mitigation for CSS occur within the areas identified by the draft NCMSCP as PAMA and within the same planning unit (Unit 22-Moosa Canyon) as the proposed impacts. The final location of the offsite mitigation will require approval from the Wildlife Agencies as part of the HLP review and approval process. Once approved, all mitigation lands should be placed within a biological open space easement with adequate funding to ensure long-term management and monitoring of the mitigation site.
2. Coastal California gnatcatcher (*Poliophtila californica californica*, gnatcatcher) is known to occur to the west of the site and the site provides suitable CSS habitat for gnatcatcher. The draft EIR indicates that protocol surveys for gnatcatcher were conducted in July and August 2011. We recommend that updated protocol surveys for gnatcatcher be conducted no more than 1 year prior to project construction. Updated surveys should also be conducted in areas of CSS that would be impacted from offsite improvements (e.g., road). If the site is determined to be occupied by gnatcatcher during the updated surveys, we recommend that mitigation for impacts to occupied gnatcatcher habitat be offset with the offsite purchase of occupied gnatcatcher habitat within the draft NCMSCP PAMA in planning unit 22.

3. The final EIR for the project should provide a more thorough assessment of potential impacts to Hermes copper butterfly (*Lycaena hermes*, Hermes), a Federal candidate species. The draft EIR indicates that a habitat assessment was conducted, but the assessment for Hermes does not appear in Table 1 (Biological Resource Survey Information) or as a separate report similar to that for the other sensitive species, including least Bell's vireo (*Vireo bellii pusillus*), gnatcatcher, cactus wren (*Campylorhynchus brunneicapillus couesi*), southwestern willow flycatcher (*Empidonax traillii extimus*), burrowing owl (*Athene cunicularia hypugaea*), Stephens' kangaroo rat (*Dipodomys stephensi*), and arroyo toad (*Bufo californicus*). Based on information in the draft EIR, the host plant spiny redberry (*Rhamnus crocea*) was observed associated with California buckwheat (*Eriogonum fasciculatum*) in southern mixed chaparral vegetation on site. An updated site assessment for Hermes and mapping of spiny redberry on site should be conducted and, if warranted based on the assessment, focused surveys for this species should be conducted and the results presented in the final EIR for the project.
4. Site-specific resource management plans (RMP) should be developed and implemented for the proposed on- and offsite mitigation areas as a condition of approval to ensure the long-term conservation of the mitigation sites. The RMPs should provide measures and demonstrate that adequate funding will be provided to protect and manage the resources on the onsite and offsite mitigation lands in perpetuity. They should include provisions to monitor populations of sensitive and/or listed species, control for invasive plants, provide adequate fencing, limit public access, and address any other relevant land/species management issues. The RMPs for the on- and offsite mitigation lands should be reviewed and approved by the County and Wildlife Agencies.
5. The draft EIR indicates that the western drainage that supports riparian vegetation provides local north/south movement through the site and can function as a stepping stone between Keys Creek (to the north) and Moosa Creek (to the south). The final EIR for the project should provide a more thorough analysis of wildlife connectivity. This analysis should evaluate how both avian and terrestrial wildlife movement may be affected by the proposed development including all areas needed for fuel clearing, access, provision of water and sewer, etc. In addition, section 6.2.2 of the Biological Resources Report indicates that culverts at the roads crossing the local movement corridors will range in size from 18 to 54 inches, depending on the particular drainage course. While the culverts will be of sufficient size to allow small terrestrial animals to avoid roads, we are concerned that as currently designed they may not function for wildlife movement when water is present during the rainy season or if urban runoff is present. We recommend that the proposed culverts be designed to include features for wildlife passage during these times (e.g., dry ledges). In addition, please provide information in the final EIR and RMP on how these culverts will be maintained (e.g., sedimentation) to ensure that they remain clear for wildlife passage.
6. We recommend that any fuel clearing areas requiring replanting be planted with compatible, low-fuel natives (e.g., cacti and other succulents) to minimize the potential for invasive species to spread into the proposed onsite mitigation/open space areas and into adjacent natural lands.

7. The final EIR should fully analyze all potential direct and indirect impacts to wetland resources, including the identification of feasible mitigation measures to adequately compensate for any unavoidable impacts. Where mature riparian areas and/or movement corridors are proposed to be impacted, the final EIR needs to identify the mitigation that will compensate for the loss of function and value of the impacted areas. Replacing the functions and values of mature riparian areas typically can take a substantial amount of time and resources; therefore, we recommend that these areas be avoided with a minimum 100-foot biological buffer, unless it is clearly demonstrated that there is no other feasible alternative. The draft EIR indicates that the onsite preserved wetlands is a project avoidance measure and would have limited buffers. Section 3.2.8 of the draft EIR indicates that a 150-foot buffer consisting of a 50-foot biological buffer and a 100-foot limited building zone (LBZ) will be provided. In addition, public access would be allowed in some areas. Due to the limited biological buffer and the proposal for public access adjacent to the riparian areas, we recommend that a minimum 100-foot biological buffer be provided for any onsite preserved wetlands to protect against direct and indirect effects. If less than a 100-foot biological buffer is proposed, especially where the wetland would be adjacent to public access areas and/or developed uses, these areas may not be viable over time and will be subject to degradation; therefore, these areas should be considered impacted and factored into the project's mitigation requirements. Moreover, Figure 4a of the draft EIR indicates that wetland mitigation is proposed in the onsite riparian corridor. If any wetland mitigation is proposed onsite, we recommend that area be provided with a minimum 100-foot biological buffer.
8. If wetland impacts were to occur then the Department's Lake and Streambed Alteration group should be contacted.
9. Based on the draft EIR and associated documents, it appears that some landscaped areas located adjacent to onsite preserved open space would not have native plants, but rather species that could introduce invasive plants and leaf litter into the open space [e.g., Chinese pistache (*Pistacia chinensis*)]. We recommend that native plants (endemic to the local area) be used to the greatest extent feasible in landscaped areas adjacent to and/or near mitigation/open space areas and/or wetland/riparian areas to avoid degradation of native habitats. The California Invasive Plant Council provides a list of exotic plants species (Invasive Plant Inventory [Cal-IPC; <http://www.cal-ipc.org/>]) that should be avoided in landscaped areas. We recommend this measure be incorporated into the final EIR or that the final EIR identify other measures to address the potential degradation of native habitats from the use of invasive species in the landscaped areas.
10. All restoration and revegetation plans should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

11. Based on the information contained in the draft EIR, several bird species have been observed on site, including Cooper's hawk (*Accipiter cooperii*), turkey vulture (*Cathartes aura*), yellow-breasted chat (*Icteria virens*), yellow warbler (*Dendroica petechia*), and western bluebird (*Sialia mexicana*). A pair of white-tailed kites (*Elanus leucurus*) was commonly observed in the southern part of the project area. Additionally, a red-shouldered hawk (*Buteo lineatus*) and a red-tailed hawk (*Buteo jamaicensis*) were observed flying over the survey area. Due to the presence of avian species on the site, the Wildlife Agencies recommend that measures be taken to avoid project impacts to nesting birds. Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1 to September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, we recommend that pre-construction surveys be conducted by a biologist with experience in conducting breeding bird surveys. These surveys will be used to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or other factors.

Thank you for the opportunity to comment on the subject draft EIR. If you have any questions, please contact Michelle Moreno of the Service at Michelle_Moreno@fws.gov or 760-431-9440 and/or Randy Rodriguez of the Department at Randy.Rodriguez@wildlife.ca.gov or 858-637-7100.

Sincerely,



for Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Gail K. Sevens
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